

STATE OF NEW YORK

4688--A

Cal. No. 413

2019-2020 Regular Sessions

IN SENATE

March 20, 2019

Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT authorizing the commissioner of general services to transfer and convey certain lands in the county of New York, city of New York, to the urban development corporation; and providing for the repeal of certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Notwithstanding any inconsistent provision of law to the
2 contrary, the commissioner of general services is authorized to transfer
3 and convey to the urban development corporation the remaining right,
4 title, and interest of the people of the state of New York in the lands
5 and improvements located at 121 West 125th Street and further described
6 in section two of this act. The conveyance shall be made in consider-
7 ation of the sum of no less than one million dollars collected by the
8 state in connection with land transferred pursuant to this act, which
9 shall be deposited into the 125th Street Improvement Trust Fund, as
10 amended and as may be further amended, hereinafter referred to as the
11 "Fund", and shall be used for purposes outlined in the fund agreement
12 and projects located within the established geographic boundaries of the
13 Fund.

14 § 2. The lands and improvements authorized by section one of this act
15 to be conveyed are generally described as follows:

16 Parcel 1

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD10888-03-9

1 All that certain plot, piece or parcel of land, situate, lying and
2 being in the Borough of Manhattan, City, County and State of New York,
3 bounding and described as follows:

4 BEGINNING at a point on the northerly side of West 125th Street and
5 150 feet west of the point of intersection between the westerly side of
6 Lenox Avenue and the northerly side of West 125th Street;

7 (1) thence running westerly along the northerly side of West 125th
8 Street, 210 feet to a point;

9 (2) thence running in a northerly direction parallel to the Westerly
10 side of Lenox Avenue, 199 feet 10 inches to the southerly side of West
11 126th Street;

12 (3) thence running easterly along the southerly side of West 126th
13 Street 210 feet to a point;

14 (4) thence running in a southerly direction, parallel to the westerly
15 side of Lenox Avenue 199 feet, 10 inches to the point of beginning.

16 Parcel 2

17 All that certain volume of space which lies above a horizontal plane
18 (the "Limiting Plane") drawn at elevation 80.20 feet and intersecting
19 the vertical planes determined by the above-described boundaries of the
20 Premises; the elevation of the Limiting Plane being that in the System
21 known as the Borough Works Datum of the Borough of Manhattan which
22 designates as zero an elevation which is 2.75 feet above mean sea level
23 at Sandy Hook, New Jersey.

24 SUBJECT to that certain Easement Agreement and Declaration made by and
25 between the people of the state of New York, acting by and through the
26 commissioner of general services, and the New York state urban develop-
27 ment corporation, doing business as the empire state development corpo-
28 ration, dated December 13, 2002 and recorded July 10, 2003 as CRFN
29 2003000222170; and that certain Indenture made the 20th day of December,
30 1977 by The New York state urban development corporation and The city of
31 New York recorded on 12/23/77 in Reel 422 page 1084.

32 § 3. The description in section two of this act is not intended to be
33 a legal description but is intended to identify the parcel to be
34 conveyed. As a condition of the purchase, the urban development corpo-
35 ration may submit to the commissioner of general services for her
36 approval an accurate survey and description of the lands to be conveyed,
37 which may be used in the conveyance thereof.

38 § 4. The commissioner of general services shall not transfer or convey
39 the aforesaid lands and improvements unless an application is made by
40 the urban development corporation within one year of the effective date
41 of this act. Such application shall be in the form of a resolution
42 setting forth a comprehensive statement approved by the board of the
43 urban development corporation acknowledging and accepting the use
44 restrictions set forth in section five of this act. The commissioner of
45 general services and the president of the urban development corporation
46 are hereby empowered to effect the transfer and conveyance and do all
47 things necessary to carry out the purposes and provisions of this act.

48 § 5. The aforesaid land and improvements shall be used and improved
49 for the purposes of, the National Urban League headquarters, including a
50 conference center, a civil rights museum, retail and office space,
51 approximately one hundred seventy units of affordable housing, which
52 solely for the purposes of this act, shall mean that one hundred percent
53 of the rental dwelling units in the building shall, upon initial rental
54 and upon each subsequent rental following a vacancy, be affordable to

1 and restricted to occupancy by individuals or families in accordance
2 with a plan developed and approved by the commissioner of New York state
3 division of homes and community renewal, and any accessory uses as
4 described in the general project plan prepared by the urban development
5 corporation in accordance with the urban development corporation act,
6 including any amendments or modifications thereto, provided that the
7 proportion of space allotted for retail and office purposes shall not
8 exceed the other required uses of such transferred land pursuant to this
9 act. Upon termination of a required use, the people of the state of New
10 York shall have the right to retake the title to such portion of the
11 land and improvements described herein that are not committed to such
12 required uses. In the event of such termination of any required use,
13 during the term of the conveyance instrument, between said corporation
14 and the entity or entities engaged to construct and maintain the
15 improvements, the urban development corporation shall, consistent with
16 the terms and conditions of the instrument of conveyance, provide writ-
17 ten notice to such entity or entities and provide such entity or enti-
18 ties a reasonable opportunity to cure; provided, however, and only with
19 respect to the National Urban League Headquarters and the civil rights
20 museum, the Urban Development Corporation is hereby authorized to
21 approve a comparable community or public use for such land and improve-
22 ments thereon. If the entity or entities fails or is unable to comply
23 with any demand to cure, pursuant to this act, in the manner and time
24 period specified under the terms of the lease or other conveyance
25 instrument, the urban development corporation shall provide written
26 notice to the commissioner of general services within one hundred eighty
27 days thereof, and the commissioner of general services shall request
28 that the attorney general institute an action in the supreme court for a
29 judgment declaring a reversion of such title in the people of the state
30 of New York to the portion of the land and improvements not in compli-
31 ance with the aforesaid use restrictions, or, in lieu of an action seek-
32 ing a judgment declaring a reversion of title as aforesaid, allow the
33 owner of the land and improvements not in compliance with the use
34 restriction, to purchase the reverter interest from the people of the
35 state of New York at the current fair market value of the non-compliant
36 portion of the land less the value of any improvements thereto as deter-
37 mined by independent certified appraisal or appraisals, and less any
38 proportionate consideration previously paid, as shall be defined in the
39 general project plan and lease.

40 § 6. This act shall take effect immediately and the authority of the
41 commissioner of general services to transfer and convey the aforesaid
42 lands and improvements pursuant to this act shall expire two years after
43 such effective date.